

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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UNITED STATES LIABILITY )  
INSURANCE CO., INC., AS )  
INSURER OF ADMINASERVICE, )  
INC. )

Plaintiff, )

v. )

ADVANTIUS, INC., NEAL )  
BERGSTROM, ROBERT )  
STEVENS, CHARLES CAMBRA, )  
III, JONATHAN K. DRIGGS, AND )  
WORKFORCE SOLUTIONS, INC., )

Defendants. )

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CIVIL ACTION NO. 04-11824 PBS

**MOTION FOR ASSESSMENT OF DAMAGES AGAINST  
NEAL BERGSTROM, ROBERT STEVENS AND ADVANTIUS, INC.**

Comes now, the plaintiff, United States Liability Insurance Co., Inc. (“USLI”), as insurer of AdminaService, Inc. and hereby prays that this Court assess damages against the defendants Neal Bergstrom (“Bergstrom”), Robert Stevens (“Stevens”) and Advantius, Inc. (“Advantius”) pursuant to Fed.R.Civ.P. 55 (b)(1) and (b)(2) for failure to plead or otherwise defend as required by Rules 12 and 14. The Court entered default judgment against all parties.

In support of this motion, the plaintiff states the following:

1. Defendant, Advantius, committed conversion, fraud and acted negligently. As a direct result of its actions, AdminaService was forced to defend itself against claims made by Sapers & Wallack Insurance Agency, Inc.

2. USLI hired the law firm of Fitzhugh, Parker & Alvaro, LLP to defend AdminaService. That claim was settled in or about March 2004. USLI paid \$749,343.25 in settlement of the claim.
3. Defendant Bergstrom was the Chief Executive Officer of Advantius at all relevant times.
4. Bergstrom was served on October 4, 2004 and he filed a motion to dismiss, which was denied on December 16, 2004 and entered onto the docket on December 21, 2004. The Court entered default judgment against him on June 12, 2006.
5. Defendant Stevens, was served individually on October 4, 2004 and his answer or response to the complaint was to be filed November 3, 2004. He has not filed an answer or other responsive pleading to date. The Court entered default judgment against him on June 12, 2006.
6. Advantius, a Delaware corporation, was served on October 4, 2004 and its response or answer to the complaint was to be filed November 3, 2004. Advantius has not filed an answer or other responsive pleading to date. The Court entered default judgment against it on June 12, 2006.
7. In support of this motion, plaintiff submits the Affidavit of Chris Hemsley, filed herewith as Exhibit A.

WHEREFORE, United States Liability Insurance Co., Inc., as insurer of AdminaService, Inc. respectfully requests that the Court assess damages against Bergstrom, Stevens and Advantius in the amount of \$749,343.25 plus interest and costs, and any other relief this Court deems just and appropriate. USLI is willing and able to provide evidence of said damages at a hearing, however it does not believe such action is necessary.

Respectfully Submitted,

**UNITED STATES LIABILITY  
INSURANCE CO., INC., AS  
INSURER OF ADMINASERVICE, INC.,**  
By its attorney,

/s/ Amy Cashore Mariani

Amy Cashore Mariani, Esq., BBO# 630160  
**Fitzhugh, Parker & Alvaro, LLP**  
155 Federal Street, Suite 1700  
Boston, MA 02110  
617-695-2330

Dated: June 14, 2006

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to the below listed addresses via regular mail on June 14, 2006. The above document is being re-served on all parties of record, and was originally submitted to the Court care of Plaintiff's March 21, 2006 filing.

Advantius, Inc.  
c/o Utah Division of Corporations  
160 E. 300 St  
Salt Lake City, UT 84111

Neal Bergstrom  
227 E. 7845 S  
Sandy, UT 84070

Erik A. Olson  
Durham Jones Pinegar, P.C.  
111 East Broadway  
Suite 900  
Salt Lake City, UT 84111

Robert Stevens  
3979 Dew Crest Cir.  
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/s/ Amy Cashore Mariani  
Amy Cashore Mariani